SUMMARY OF INCIDENT

East Los Angeles Sheriff's Station received a call that suspects were attempting to steal a car at [redacted] Via Campo, East Los Angeles. The suspect' s vehicle drove away while the caller was on the phone. She gave a vehicle description to Sheriff's Personnel which was broadcast to patrol units.

Unit 20B2 spotted the suspect's car e occupants at Atlantic and Beverly Boulevards. The vehicle entered the Pomona Freeway (I-60) and a pursuit was initiated. East Los Angeles Units 20S, 20Bl, 20B2, 21A, 22, 23A, 24, 28, 28A, 29, 21 E.M., 23 E.M., and 26 E.M. joined the pursuit.

The pursuit continued eastbound on the 60 Freeway to the southbound 57 Freeway, then southbound on Interstate 5. The suspect' s vehicle stopped southbound Interstate 5 at Crown Valley Parkway, in Mission Viejo, a total distance of 54 miles.

Deputies got out of their patrol cars and rushed the suspect's vehicle. The suspects locked their doors and refused to open them. The windows of the suspect's vehicle were broken by deputies. The driver was pulled through the broken driver's window, while the other two suspects exited the passenger side of the vehicle.

All three suspects received injuries. The driver, Chavez, had four teeth knocked out and a laceration to the back of his head. The passengers, [redacted] and [redacted], either fell or were thrown down a freeway embankment. Suspect [redacted] sustained lacerations to the head and multiple contusions. Suspect [redacted] received a laceration and fracture to the nose.

One deputy aggravated a prior injury to his knee, when he fell down the embankment next to the suspect' s car. No other deputies reported injuries.

THE FINDINGS

At approximately 2311 hours the Sheriff's Radio Center dispatched a call for Unit 22 to handle, an unit to assist, two Hispanics trying to steal an El Camino, at [redacted] Via Campo, East Los Angeles. Unit 24, Deputies Healy and Corbett, acknowledged the call and were assigned the assist from SRC. Unit 22, Deputies Ortiz and Dominguez, coordinated assisting units and stated they would go to the location of the call. Air 23, Deputy Jahn, pilot, and Deputy Wright, observer, responded to the area.

Sheriff's Radio Center broadcast an update that the El Camino was the suspect's vehicle and that they were unsuccessful in stealing a Monte Carlo.

Four minutes after the initial broadcast, Unit 20B2, Deputies Batanero and Rivas, saw the suspects driving the El Camino and broadcast their location, northbound Atlantic Boulevard at Pomona Boulevard, to East Los Angeles units. Subjects Batanero and Rivas were driving an unmarked car and were assigned to the Special Problems Team.

Unit 28A, Deputy Rodriguez broadcast the suspect vehicle's plate and SRC indicated the license plate returned to a stolen El Camino.

Subject Rodriguez, broadcast that he was directly behind 20B2 and the suspects as they were entering the eastbound 60 Freeway at Atlantic Boulevard. Shortly after entering the freeway, Subject Rodriguez broadcast that they were in pursuit. He indicated his speed was 85 miles per hour and he was having difficulty keeping up. He asked for Unit 24 to take over the pursuit.

> I.A.B. NOTE: The units that could be heard identifying themselves as involved in the pursuit while they were on the 60 Freeway are: 20S, 22, 23A, 24, 26, 28A, and 20B2, Exhibit A, transcription of pursuit tape recording.

Suspect Chavez stated, when he was interviewed by I.C.I.B., that his speed during the pursuit was 95 miles per hour.

Unit 24, Subjects Healy and Corbett, broadcast they were directly behind 28A but were also having difficulty staying with the pursuit.

Subjects Batanero and Rivas broadcast that their speed was 60 to 70 miles per hour and they were following the suspects eastbound on the 60 Freeway at Paramount Boulevard. When interviewed Batanero stated speeds varied from 60 to 90 miles per hour. Rivas said that speeds were between 60 and 80 miles per hour.

Unit 22, Subjects Ortiz and Dominguez, and Unit 26, Subject Moon, broadcast that they were on the 60 Freeway approaching Paramount Boulevard.

Subject Moon, Unit 26, stated that he caught up to the pursuit at Paramount Boulevard and the 60 Freeway. He broadcast that he was in the pursuit and SRC confirmed his transmission.

> I.A.B. NOTE: The following units could not be heard announcing their involvement while they were on the 60 (Pomona) Freeway: Units 21, 21A, 23, 28, 29. and 20Bl.

Subject Hatfield, Unit 23 (his partner was Subject Santos), stated that he identified himself at the beginning of the pursuit and was acknowledged by SRC. Santos stated that he advised SRC that they were involved in the pursuit, but could not recall if SRC acknowledged his transmission.

Subject Ocello, Unit 28, stated that he tried three times to transmit that he was involved in the pursuit, but he did not know if SRC ever acknowledged his transmissions.

Subject Greenwood, Unit 29 (his partner was Subject Hernandez), stated that they announced they were entering the pursuit while they were on Atlantic Boulevard, and he believed SRC confirmed their transmission. However, his partner, Hernandez stated that they did not broadcast they were in the pursuit until they were on the 57 Freeway, because they were a mile behind the pursuit.

Deputy Macedo, Unit 20B1 (his partners were Deputies Ochoa and Weldon), stated that he announced they were in the pursuit and it was acknowledged as they entered the 60 Freeway at Atlantic Boulevard. Subject Ochoa stated they announced their involvement in the pursuit somewhere in the pursuit, but he didn't know if it was in the beginning. Subject Weldon stated that he could not remember if they announced they were in the pursuit.

Unit 21A, Deputies McCleary and Gill stated that they were westbound on the 60 Freeway approaching Atlantic when the pursuit headed eastbound. Subject McCleary stated that he could see the pursuit, as they were westbound approaching Atlantic Boulevard. Gill said that he did not see the pusuit. They stated that they did not announce their involvement in the pursuit because they were unable to catch up.

Subject McCleary stated that just after he entered the eastbound 60 Freeway from Atlantic he received a call of a [redacted]

I.A.B. NOTE: [redacted]. The station log indicates that the grand theft auto call, Tag 368, was dispatched at 2311 and acknowledged at 2312 hours. The tape recording of the Via Campo call reflects that four minutes after Tag 368 was verbally dispatched on the frequency, (which would be approximately 2315 hours [redacted] units announced the suspect's were entering the 60 Freeway at Atlantic Boulevard. McCleary stated earlier that he and his partner were on the westbound 60 Freeway approaching Atlantic Boulevard when they saw the pursuit heading eastbound on the 60 Freeway.

Unit 21 early morning shift, Deputies Bennett and Delmuro stated they got on the 60 Freeway and attempted to catch the pursuit. Delmuro said they heard the call and responded from the station.

Deputy Schroepfer, Unit 28T, stated that he heard the pursuit beginning. He stated that he drove eastbound on Washington Boulevard to the 605 Freeway then went northbound on the 605 to the 60 Freeway. He saw the helicopter several miles away, heard the pursuit was near the 57 Freeway, then got off the freeway and returned to his patrol area.

Sergeant Maddalena, Unit 20S, stated that he was in the station when the call of a stolen vehicle came out. Subject Maddalena stated that by the time he got to Atlantic Boulevard and the 60 Freeway the pursuit was already eastbound on the freeway. He said that he did not know how far they were in front of him.

Maddalena stated that he passed several patrol cars, possibly 6, on the freeway that were travelling at a slower rate of speed. He stated that he believed those cars had discontinued the pursuit.

Wehrberg said when the pursuit began, he made up his mind that he would allow it to continue for four or five minutes. He said the units had reported to him that traffic conditions were moderate, and their speeds were within department policy. Wehrberg said when the pursuit was near the 60 and 605 freeways, approximately five minutes into the pursuit, he ordered the pursuit to be terminated.

Temple Station Unit 54 indicated that they were on the 60 Freeway (by the 605 Freeway), and they were told by SRC and 50 Sam to stay out of the pursuit.

Subject Wehrberg said he was aware of the Department's policy regarding abandoning a pursuit when the violation is for Grand Theft Auto (GTA) only. Wehrberg said he did not consider having the units abandoning the pursuit at that time because he believed that the suspects were possibly gang members involved in gang activity. Wehrberg said he based his decision on information he had learned from other supervisors at ELA Station. The information he was given was that gang members frequently steal cars to use in drive-by shootings, or other such felonious activities.

Air 23 broadcast that they were overhead of the pursuit. SRC asked Air 23 if they could advise how many units were in the pursuit. SRC also told Air 23 that the Watch Commander wanted one primary unit and two back up units.

Air 23, Subject Wright, broadcast that he could not tell SRC how many units were in the pursuit. He said he was too busy watching the suspect's vehicle and the primary unit. He advised that the other units would have to "take care of themselves."

Subject Wright, when interviewed by Internal Affairs Investigators, stated that the helicopter would have to be moved to a position paralleling the pursuit, or turn around and fly away from the suspect's vehicle in order to comply with SRC's request. Wright said that he felt either of those maneuvers would have jeopardized their ability to control the pursuit. He stated that, had he been ordered by the watch commander to do so, he would have complied.

Subject Wright broadcast that the suspect's vehicle was travelling at 70 to 80 miles per hour and was approaching Seventh Street and the 60 Freeway. At this time SRC advised that the pursuit had been called off by the watch commander from East Los Angeles Station.

Sergeant Wehrberg, Watch Commander at East Los Angeles Station, stated that he formed the opinion that Air 23 (Subject Wright) did not want to give all of the units involved in the pursuit, refer to the transcript of the purusit, Exhibit A, page 5 paragraph 1.

Immediately following the pursuit being terminated, Unit 54 advised that the suspects had thrown a gun and they (Unit 54) were recovering it at Seventh Street and the 60 Freeway.

SRC then broadcast that East L. A. desk was advising to continue the pursuit.

Subject Wehrberg stated that he asked SRC to have the units involved in the pursuit identify themselves, refer to Exhibit A, page 8 paragraph 8.

Subject Wright, Air 23, told SRC that he could see one primary unit and one unit behind the primary unit.

Subject Wright stated that he did not intend to make anyone think that there were only two units involved in the pursuit. He stated that his intent was to let them know what he could see.

SRC then asked the primary and secondary units to identify themselves. Unit 22, Subjects Dominguez and Ortiz, identified themselves as the primary unit. Unit 23A, Subjects Birtness and Riley, identified themselves as the assisting unit.

Subject Maddalena stated that he caught the pursuit at the 60 and the 57 Freeways.

Maddalena stated that when he got to the 57 Freeway he became aware of law enforcement cars behind him, one of which was either a CHP car or an unmarked car, because the car did not have an overhead light bar. He stated that he later realized that the car was probably the Special Problems Team car, containing three deputies from East Los Angeles Station, 20B1 - Macedo, Ochoa, and Weldon, because the Special Problems Team deputies were in a car like the one he saw. Deputies, Weldon, Ochoa, and Macedo, were involved in

the arrest of the suspects at the end of the pursuit.

Maddalena said that he made a radio transmission while he was on the 57 Freeway, near the Lambert Road exit, asking SRC how many units were authorized to be in the pursuit, refer to Exhibit A, page 12. He then advised all other units not authorized to be in the pursuit to return to their area. He did not know for certain if there were additional units in the pursuit, but he thought he counted one extra unit in front of him. He wanted to make certain that it was clear to any unit that was not authorized to be there to return to their area.

Subject Wehrberg stated that he authorized one primary and three back up units to be involved in the pursuit. Air 23, Subject Wright, made a transmission obliterating the end of SRC's request, refer to Exhibit A, page 12, paragraph 5. Wright stated that he did not intentionally transmit over the transmission of SRC.

Unit 26, Subject Moon, identified himself. SRC advised that the desk wanted three back up units, the first being 23A, Subjects Birtness and Riley. Units 23, Subjects Hatfield and Santos, and 29, Subjects Greenwood and Hernandez, then identified themselves and their units were acknowledged by SRC.

Maddalena said that he could see that there were still amber lights behind him. He said that he did not know if they were Sheriff's units or another agency. He said that he made a second announcement that unauthorized units should return to their areas. The number of units behind him remained about the same. He could not tell if anyone behind him dropped out of the pursuit. No one in front of him dropped out.

Subjects McCleary and Gill stated that they heard the field sergeant's announcement and got off the 57 freeway, somewhere near Lambert Road, and returned to the robbery call.

> I.A.B. NOTE: At approximately 2335 hours the field sergeant announced which units were authorized to be in the pursuit. The announcement was made shortly after the pursuit passed Lambert Road. Lambert Road is approximately 24 miles from the [redacted]. [redacted]

Subjects Bennett and Delmuro stated that they were never closer than a mile to the pursuit. Bennett stated that they followed the pursuit until after they passed a construction area on the 57 Freeway (Imperial to Orangethrope Avenue). Delmuro stated they got off Interstate 5 on the first off ramp south of the 57 Freeway.

Subject Bennett stated that he could not recall exactly where they

turned to go back to their area, but he stated the reason they turned around was because of the field sergeant's announcement for unauthorized units to discontinue the pursuit.

> I.A.B. NOTE: The field sergeant made two announcements for unauthorized units to return to their areas. The first was made at Imperial Highway, and the second was made approaching Orangethorpe Avenue.

Bennett and Delmurro said they realized they were not any help to the assisting units because they were too far behind the pursuit.

> I.A.B. NOTE: The location given by Delmuro is approximately 8 miles past the point where the field sergeant ordered unauthorized units to return to their area.

Bennett stated that they received a [redacted] while they were en route back to their area. [redacted].

> I.A.B. NOTE: The field sergeant made his first announcement at approximately 2335 hours, while they were on the 57 Freeway, approaching Imperial Highway, approximately 26 miles from the beginning of the pursuit. McCleary and Gill, and Bennett and Delmuro stated they got off the freeway to return to their area because they were instructed to do so. McCleary and Gill [redacted]

Bennett and Delmuro stated that they could not explain why it took 34 minutes to return to their area after receiving Tag 373 if they had started back to the area prior to the dispatching of Tag 373.

> I.A.B. NOTE: Bennett and Delmurro's car log indicated their starting mileage was 25148. They refueled their vehicle at 25243 miles (95 miles for the shift) just prior to Deputy Ocello ([redacted] Hours) refueling his vehicle, Exhibit C.

Subject Bennett stated that ten of the 95 miles they drove could be attributed to three calls, Tags 373, 365 and 14. They went to these as soon as they returned to their area from the pursuit.

> I.A.B. NOTE: The approximate location given by Bennett that they turned around is 26 miles from the beginning of the pursuit. (95 miles driven minus 10 miles to handle calls minus 52 miles round trip on the pursuit, leaves 32 miles unaccounted for.

Bennett stated that some of the additional 32 miles logged by them prior to refueling could have occurred after they finished handling Tag 14. He stated he did not know what time they refueled.

I.A.B. NOTE: Deputy Ocello refueled his vehicle after Bennett, Exhibit B. Ocello ([redacted] hours) stated during his interview that he returned to the station and logged off duty at 0057 hours.

Delmuro stated that they had driven to the 5 Freeway and exited at the first off ramp south of the 57 Freeway.

I.A.B. NOTE: The off ramp is approximately 34 miles from Atlantic and the 60 Freeway. Round trip mileage would be approximately 68 miles.

Delmuro stated that he did not know when they refueled their vehicle or why they had logged 95 miles prior to refueling.

I.A.B. NOTE: Bennett's estimate of 10 miles to handle the three calls between 0022 and 0101 hours minus the 68 miles round trip from the pursuit leaves 17 miles unaccounted for.

Delmuro stated he did not have an explanation for the additional unaccounted miles.

I.A.B. NOTE: [redacted] hours. The pursuit was southbound Interstate 5, approaching Jeffrey Road. Jeffrey Road is approximately 44 miles from the beginning of the pursuit.

Subject Rodriguez stated that he heard the announcement, made by the field sergeant, at Imperial Highway and the 57 Freeway, identifying the authorized units in the pursuit. He stated that the field sergeant told all other units to "back off." Rodriguez said he was the sixth unit at that point and was not part of the pursuit because he did not have his lights and siren on and was unable to keep up with the suspect's vehicle. He stated that he felt it would have been irresponsible of him to return to his area because he felt he would be needed when the pursuit ended.

Subject Ocello stated that his passenger window was rolled down and he could not hear the radio transmissions clearly. He said that he thought he was still authorized to be in the pursuit.

Subject Healy stated that he and Corbett continued following the pursuit because they were assigned the assist on the call and thought they would be needed at the termination.

Subjects Ochoa and Macedo, unit 20B1, stated that they did not hear anyone state which units were authorized to be involved in the

pursuit. Subject Weldon, also working 20B1, said that he heard the authorized units named and they weren't named. He said he thought they would be needed at the end of the pursuit for officer safety reasons.

Subject Batanero stated that he did not hear anyone announce which units were authorized to be in the pursuit. Subject Rivas stated that he heard something about those units that were authorized to be in the pursuit, but he did not know if his unit was named.

Subjects Batanero and Rivas stated that they ran out of gas on the 57 Freeway at Lincoln Avenue. They stated they got off the freeway, got gas, and continued to follow the pursuit. They stated they were several miles behind the pursuit and were unable to catch the pursuit until after it ended. Batanero stated that he had gotten a good look at the suspects and thought he would be needed if the suspects ran from the deputies and needed to be identified.

Subject Wright, Air 23, advised that the speed of the suspect's vehicle was 70 to 90 miles per hour after the suspects passed the construction zone at Orangethorpe Avenue on the 57 Freeway until the end of the pursuit.

> I.A.B. NOTE: The distance from the construction area, Orangethorpe, to the termination point of the pursuit was approximately 27 miles.

The pursuit was approaching Sand Canyon Avenue on Interstate 5 when SRC verbally dispatched three calls; Tag # [redacted] Tag [redacted]

[redacted].

[redacted]

Subject Maddalena stated that as the pursuit was about to end, he made another order to have SRC advise that only authorized units in the pursuit were to continue. Maddalena said that he felt he had control of the pursuit at that point. He believed, after his third announcement to unauthorized units, that the units behind him must be from other agencies.

The suspect's vehicle pulled to the right and stopped on the 5 Freeway just past Oso Parkway, at Mission Viejo. Suspects Chavez

and [redacted] stated that when they stopped they locked the car doors and rolled up their windows.

All deputies at the termination point stated that there had not been any discussion of tactics to be used when the pursuit ended.

Subjects Ortiz and Dominguez stated that they got out of their patrol car and ran to the suspect's vehicle.

Subjects Birtness and Riley stated they took a position behind their car doors to make a felony stop and noticed Ortiz and Dominguez running toward the suspect's vehicle. Birtness stated he told Riley to go help the deputies.

Dominguez stated that he approached the suspects on the driver side of the vehicle. Ortiz stated that he approached the passenger side of the vehicle. They stated that this was not a tactic they had been taught by the Sheriff's Department and had not discussed this tactic prior to their approach.

Dominguez stated he felt this tactic was safe and offered them the advantage of surprise. He stated that as he reached the suspect's he could see them lock their doors.

Riley stated that he approached the suspect's vehicle driver side door. Deputies Ocello, Ochoa, Macedo, and Weldon, stated that they approached the suspect's passenger side door.

Subject Maddalena stated that he got out of his car and dropped his keys. He stated after he picked them up he ran back to his car to get his flashlight. Maddalena stated that when he approached the suspect's vehicle the deputies were breaking the windows on both sides. He stated that he did not know why the deputies approached the vehicle in that manner instead of making a normal felony stop.

Subjects Ortiz and Dominguez stated that they ordered the suspects to get out of the car, but the suspects "flipped them off" and refused.

ARREST OF [redacted]

Subjects Ortiz and Macedo stated that Macedo broke the window on the passenger side, and Ortiz opened the passenger side door.

Ocello stated that he opened the passenger side door and was pushed from behind into the door and the door frame. Ocello stated the passengers, [redacted] and [redacted] were pulled out of the car while he was in this position. He could not see what was happening.

Subjects Ortiz and Macedo stated that [redacted] tried to escape by

diving between them. Ortiz stated they grabbed for [redacted], then tripped over a curb and all three of them fell down an embankment. Macedo said that he fell down the embankment, but did not see Ortiz or [redacted] going down the embankment.

Subjects Weldon and Ochoa stated that Ortiz and Macedo grabbed [redacted] and pulled him from the vehicle. Weldon and Ochoa stated [redacted] was struggling to get away from Ortiz and Macedo. Weldon and Ochoa said that Macedo, Ortiz and Suspect [redacted] tripped and fell down the freeway embankment out of their sight.

Suspect [redacted] stated that the deputies were striking him as he was pulled from the vehicle, then he was thrown down the embankment and then beaten with batons or flashlights.

Subject Ortiz and Macedo stated that Ortiz struck the suspect twice in the face with his fists and the suspect stopped resisting and was handcuffed. Ortiz and Macedo did not see anyone else strike the suspect. Macedo denied striking the suspect. Ortiz stated that he only struck the suspect twice on the face, refer to Exhibit D.

> I.A.B. NOTE: Photographs taken by Internal Affairs Investigators on April 16, 1991, indicate several linear bruises to [redacted]'s lower back, refer to Exhibit D.

Subjects Weldon, Santos, and Ocello followed the suspects to the bottom of the embankment. Moon stated he stood at the top of the embankment, looked over and determined his assistance was needed at the bottom. Subjects Santos, Moon, Weldon, Ocello, and Observer Wright stated they did not see anyone strike [redacted]. Ocello said that he dropped his flashlight and looked for it while he heard deputies yelling at the suspects. Santos said that he was preoccupied with an injury to his knee, caused by him stepping over the embankment. Moon stated that the suspects were on the ground handcuffed when he got to the bottom.

Subjects Rodriguez, Rivas, Batanero, Greenwood, and Hernandez stated they got to the location after the suspects were handcuffed. They stated they did not see anyone strike any of the suspects.

Subjects Healy and Corbett stated that they did not get out of the car because there were sufficient deputies at the scene by the time they arrived.

Subject Hatfield said he saw the deputies go over the embankment and knew there were enough deputies to handle the suspects so he went to the driver's side to assist with the driver.

Subject Ortiz wrote in his report that "During the fall down the embankment, [redacted] struck his head on a tree which caused a small laceration on rt (sic) side of head," Exhibit F.

Ortiz was shown photographs of the location that were taken the following day. Ortiz stated that there wasn't a tree on the embankment. He stated that he never saw [redacted] hit his head on a tree. He did not know how the injury to [redacted]'s head occurred. He stated that there was a bush on the embankment and that is what he was referring to in his report. He said the injury could have been caused by the bush or a rock.

> I.A.B. NOTE: The crime lab report, contained in the I.C.I.B. Report indicated that there was human blood on Ortiz's flashlight, Exhibit E.

Doctor Nacouzi, one of the doctors on duty at L.C.M.C. on April 16, 1991, stated that [redacted] was treated for a laceration to the back of the head, and multiple contusions. Nacouzi said that there were no injuries noted on [redacted]'s back.

ARREST OF [redacted]

[redacted] was the center passenger in the suspect's vehicle.

Suspect [redacted] was interviewed by the Internal Criminal Investigations Unit. He told investigators that he was pulled out of the vehicle, beaten, then thrown down an embankment.

Subject Ochoa and Weldon stated [redacted] ran northbound, back toward the deputies, after he got of the vehicle. They stated Ochoa grabbed [redacted] and both [redacted] and Ochoa fell down the embankment.

Officer [redacted], Anaheim Police Department, viewed the incident from Anaheim's helicopter. He stated that he saw a suspect run from the vehicle then run down an embankment.

Ochoa stated that when [redacted] was at the bottom of the embankment he ran from him, then turned toward him. Ochoa stated that, fearing he was about to be struck by [redacted], he struck [redacted] twice in the face with his fists.

[redacted] said he was struck with a flashlight across the nose.

> I.A.B. NOTE: Ochoa's flashlight was not in his locker when search by the Internal Criminal Investigations Bureau. It was not seized. Flashlights belonging to Hernandez, Riley, Macedo, and Weldon were presumptive for blood, Exhibit E.

Ochoa said that he lost his flashlight before the struggle with [redacted], and retrieved it after he struck [redacted].

Subject Weldon stated that he followed Ochoa over the embankment, but did not see Ochoa strike [redacted].

Subjects Santos, Moon, and Ocello, went to the bottom of the embankment. They stated that they did not see anyone strike either suspect. Subject Dominguez was at the top of the embankment. He stated he did not see anyone strike the suspects. Dominguez was involved in the arrest of Chavez.

Moon stated he saw Chavez laying on the roadway, then went to the embankment. Moon stated that he looked over the side and saw the outline of bushes. He said that he briefly turned on his flashlight. He could not tell what was happening, but determined his help was needed. He said there was a helicopter periodically lighting up the area, but it was too dark to see what was happening. When he got to the bottom the suspects were on the ground handcuffed.

> I.A.B. NOTE: Internal Affairs Investigators, Sergeants Bradstock and Marlett, drove to the location on April 16, 1991, at approximately 0100 hours. Air 23 illuminated the area as they circled. Sergeant Bradstock went to the bottom of the embankment while Sergeant Marlett stayed at the top. Sergeant Marlett stated that he could see Sergeant Bradstock clearly, even when the helicopter was not illuminating the location of the arrest.

Doctor Nacouzi was interviewed on August 10, 1992. He stated that he treated [redacted] on April 16, 1991, for a laceration and fracture to the nose. He stated that he could not tell what caused the injury. He stated after looking at photographs of [redacted] taken on April 18, 1991, Exhibit D, that the injury was more likely caused by something harder than a fist. He stated that he made that determination based on the apparent severity of the laceration across the bridge of [redacted] nose. He stated that the photograph could be deceptive because of the amount of blood on [redacted] nose.

ARREST OF CHAVEZ

Subject Dominguez and Riley stated that Chavez refused to open the locked driver's side door. They stated Riley broke the window and Dominguez attempted to open the door. Both subjects stated Chavez began struggling with Dominguez. Chavez denied struggling with the deputies.

Riley and Dominguez stated that Dominguez began swinging his flashlight at Chavez but neither could see if the blows were striking him. When interviewed Riley stated that Dominguez began striking Chavez while Chavez was seated in the suspect's vehicle.

I.A.B. NOTE. Riley's supplemental report stated, "I then popped the driver's side window with my flashlight and Deputy Dominguez and I removed Suspect Chavez from the vehicle at which time he started fighting with us and resisting arrest," Exhibit F.

When interviewed Riley stated that he assumed that Dominguez had struck Chavez, but did not see it, so he did not put it in his report.

Dominguez stated that he struck Chavez three or four times with the flashlight he was holding in his left hand. He stated that he was standing up straight, with his head above the roof of the suspect's vehicle, swinging the flashlight, and could not tell where the blows landed.

Chavez stated that he was struck in the face with a flashlight while he was in the car. He stated the first blow hit him in the mouth, causing him to lose two teeth. He stated that he leaned forward and grabbed the steering wheel of the vehicle to try to protect himself. He stated the deputy (Dominguez) was holding the flashlight in his left hand. Chavez stated that Dominguez grabbed his hair with Dominguez's right hand pulled Chavez's head back, and struck him two or three more times. He could not recall where the the additional blows landed.

Riley and Dominguez stated they pulled Chavez, face down, through the broken driver's window and took him directly to the pavement.

Chavez, Riley, and Dominguez stated that Chavez had a brace on his left leg that got caught when the deputies attempted to remove him from the vehicle. Chavez stated that his brace was bent from the force of the deputies pulling him out.

Riley wrote in his supplemental report "the suspect hit the ground face first, at which time his mouth and nose began to bleed and he stopped resisting." When interviewed, Riley stated that he was not certain if Chavez received any injuries prior to striking the pavement.

Chavez stated that he was slammed face first to the pavement and deputies began kicking him in the body and striking him on the back of the head with their flashlights, (see photographs Exhibit D).

I.A.B. NOTE: Chavez had two contusions of the right side of his back, Exhibit D.

Subjects Dominguez, Birtness, Hatfield, Riley, and Maddalena stated that they did not see anyone strike the Chavez after he was removed from the vehicle.

Subject Birtness stated that he assisted handcuffing Chavez, but

did not strike him. Subject Hatfield said that he got there after Chavez was on the ground and assisted in handcuffing Chavez. He did not see anyone strike Chavez.

> I.A.B. NOTE: The crime lab report indicates Birtness's flashlight had human blood on it, Exhibit E.

Doctor Nacouzi stated that he did not examine Chavez. He stated that Chavez received a laceration to the back of the head and bruises were noted on the suspect's right shoulder and chest.

Chavez stated that he was put in the back seat of a patrol car. He stated a Hispanic deputy leaned inside the car and struck him in the chest with the end of a flashlight. A Caucasion deputy, about 45 years old, with white hair, was trying to strike Chavez's penis with his flashlight. Chavez stated that he could identify the deputies that struck him while he was in the car.

> I.A.B. NOTE: On August 18, 1992, Chavez was shown "mug runs" of deputies, Exhibit G. Chavez could not identify either of the deputies involved in the incident. He incorrectly identifed one deputy, who was not present, as being the deputy (Dominguez) who struck him while he was in the suspect's vehicle.

All of the deputies interviewed denied seeing anyone strike the suspects after they were handcuffed.

POST PURSUIT

Subject Wehrberg stated that Deputies Ochoa, Macedo and Weldon left the station without reporting their involvement in the incident or Ochoa's use of force.

Subject Wehrberg stated that immediately after the incident, he was advised by Captain Sanchez that the pursuit and the use of force was going to be investigated by ICIU and IAB, and to discontinue his inquiry.

[redacted] stated he was struck in the stomach at the station while being escorted by a deputy.

Moon stated that he transported [redacted] to the station and to the hospital, but denied that anyone struck [redacted].

> I.A.B. NOTE: The following subjects did not log their

involvement in the pursuit: Bennett and Delmuro (Unit 21), Healy and Corbett (Unit 24), Rodriguez (Unit 28A), and Schroepfer (Unit 28T).

Bennett stated the incident was not logged because he was not given an assist on the call. Delmuro stated that he did not know why the call was not logged.

Corbett and Healy stated that they did not know why the call was not logged. Healy stated that he was given the assist on the call and assumed the call would have assigned to him. He stated that he did not do the log that evening. Corbett stated that he was in his [redacted] and did not remember making entries on the MDT that evening.

I.A.B. NOTE: A review of the radio transmission, Exhibit A, indicated that SRC assigned the assist on the call to Healy and Corbett. The call was dispatched as Unit 22 to handle andy unit to assist. Healy was the first unit broadcasting that they were responding.

Rodriguez stated that he did not log the call because he was a contract city car. He stated he did not log the time spent out of the area.

Schroepfer stated that he did not log the incident because he did not join the pursuit and returned to his area after arriving at the 60 Freeway.



SHERMAN BLOCK, SHERIFF

County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



July 25, 1995

Deputy Tony Ortiz, #[redacted]

Dear Deputy Ortiz:

On February 11, 1993, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number 091-0345. You were also advised or your right to review the material on which the discipline was based.

You did exercise your right to respond, and did review the material on February 17, 1993. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that your Unit Commander has suspended you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department, for a period of eight (8) days, effective December 24, 1993, through, December 31, 1993.

This action is based on the fact that you have violated the following sections of this Department's Manual of Policy and Procedures:

[redacted]	[redacted]
3-01/100.35	False Information in Records

An investigation under File Number 091-0345, conducted by Internal Affairs Bureau, coupled with your own statements, has established that on April 15, 1991, at approximately 2315 hours, you became involved in a pursuit of three auto theft suspects.

When the pursuit terminated, you and your partner did not attempt to get compliance from the suspects while you were at a safe distance from them.

One of the suspects received a laceration to the back of the head. You wrote an arrest report that stated the suspect injured his head by striking it against a tree when he tumbled down a freeway embankment. When you were interviewed by Internal Affairs investigators, you were shown a picture of the arrest site that revealed that there were no trees. You admitted that you did not actually know how Suspect [redacted] received his head injury, and that you assumed that he had hit his head on one of the shrubs which you had inaccurately described as a tree.

By your actions, you have brought discredit and embarrassment to yourself and the Department.

Prior to recommending this disciplinary action, Department Executives thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and /or add to this letter.

Sincerely,

SHERMAN BLOCK, SHERIFF

N L Smith

Norman L. Smith, Captain
Internal Affairs Bureau

Note : Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

NLS:TRB:DMS:ds

c: Civil Service Advocacy
James A. Callas, Chief, Field OPerations Region I
Internal Affairs Bureau
Personnel Services
Payroll Unit
East Los Angeles Station Unit Personnel File